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Kathryn Holtzworth
43 Inspirational Drive
Sedona, AZ 86336

In re Application of :
Kathryn Ann Holtzworth, et al. : **DECISION ON PETITION**
Application No. 10/612,696 : **TO WITHDRAW THE**
Filed: July 2, 2003 : **HOLDING OF ABANDONMENT**
For: PETBIB SMALL ANIMAL SHOULDER
CARRIER AND TOY

This is in reply applicants' Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 filed in the United States Patent and Trademark Office on October 21, 2004.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the Office action dated December 11, 2003 and a Notice to that effect was mailed on September 21, 2004.

Petitioner states that a response was filed on May 10, 2004 by mail. The copy of the response submitted with the petition includes a Certificate of mailing dated May 10, 2004.

Review of the file reveals that applicant did provide a submission in response to the December 11, 2003 Office action dated May 10, 2004. However, only the transmittal form and petition extension form are present. The amendment associated with the transmittal form is missing.

A comparison of the May 10, 2004 transmittal form and the submitted copy (dated October 21, 2004) of the May 10, 2004 transmittal form do not coincide. That is the copy provided October 21, 2004 does not appear to be a true copy. Please note the name and signatures on the May 10, 2004 and the October 21, 2004 do not match on the transmittal form. Accordingly, the submitted evidence of filing in May 10, 2004 is insufficient, as it does not appear to be a true original copy.

Any petition to withdraw the holding of abandonment based upon a Certificate of Mailing must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Mailing which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of mailing the original response on the date indicated on the Certificate of Mailing (see 37 CFR 1.8 and MPEP 512).

The above petition fails to meet requirements (1) and (2). (1) A copy of the original response bearing a signed Certificate of Mailing which includes the date of signing and (2) a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original response by mail on the date indicated on the certificate, by the person who signed the certificate.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."



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SNM/jwk: 3/2/05